

**REMARKS**

Reconsideration of the subject patent application is respectfully requested.

In the Final Action dated January 5, 2007, the Examiner acknowledged that the amendment to the specification had been accepted, but there remained a drawing issue with regard to reference numeral 300c. With regard to that specific item, the prior amendment to the specification included a request to delete "and 300c" as appearing on page 10 of the originally-filed specification, in the sixth paragraph. The deletion of this reference numeral should resolve the issue raised by the Examiner, and perhaps the only question might be the specific page reference, since the amendment to the specification pertained to the originally-filed application and not to the substitute specification. However, since the Final Action indicates that the amendment to the specification had been accepted, it is assumed that this revision was simply overlooked and that the drawings are in fact acceptable.

With regard to the Examiner's further objection with regard to the use of "MR" and the misspelling of "tomograph", both of those issues have been resolved by the amendment to claim 41 submitted as part of this response.

In the Final Action, the Examiner indicates that claims 41-46, 48-53, 66 and 68 stand rejected under 35 U.S.C. §103(a) as being anticipated by Wallace et al. in view of Melzer et al. It is assumed that the reference here is to one of obviousness as opposed to anticipation in view of the reliance on a combination of prior art references.

Additionally, claims 41, 54-61, 63, 67, and 69-73 stand rejected under 35 U.S.C. §103(a) as being anticipated by Walak et al. in view of Melzer. Here again it is assumed

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that this is an obviousness rejection and not a rejection based on anticipation. Further, claims 41, 60, and 62 stand rejected under 35 U.S.C. §103 based upon a combination of DeVries and Melzer.

Claim 64 stands rejected under 35 U.S.C. §103(a) as being unpatentable over DeVries and Melzer as applied to claim 60 and in view of Thomas.

Claim 65 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wallace and Melzer as applied to claim 41 and further in view of Barbut et al.

Notwithstanding the fact that this most recent Office Action has been made Final, Applicants would appreciate having the Examiner give further consideration to the amending changes to claim 41. The changes made to claim 41 are fully supported by the specification and the overall design rationale and reasoning in terms of its differences from the prior art are set forth in the Background portion of the application as well. More specifically, claim 41 has been amended to make it clear that the basic framework for the vessel filter is actually formed by the conductor loop. The concluding language added to claim 41 simply reinforces that the conductor loop is used both to form the actual filter and for providing the inductance of the electrical resonance circuit.

It is noted that claim 41 is the only independent claim presently pending in the application and that the claim has been rejected on three separate grounds involving, as the primary reference, either Wallace, or Walak, or DeVries. Those primary references are then combined with Melzer. With regard to Wallace, Walak, and DeVries, the Examiner has stated that none of those three references actually teaches a resonance circuit that corresponds to the frequency of an external magnetic field of a magnetic

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resonance tomograph. Importantly, none of these three references disclose the use of a resonance circuit to clearly see the filter and also measure blood flow through the filter.

In terms of the Melzer reference, there is a disclosure of a vessel filter that has a resonance circuit that corresponds to the frequency of an external magnetic field. This structure presumably allows the surgeon to measure flow through the filter. However, there is a discussion of the Melzer filter design in the subject application, noting that it consists of a basic framework for the filter function onto which a conductor loop must be wound in order to provide the device with the desired magnetic resonance activity. The connection of two components has an adverse effect on the mechanical stability of the vessel filter. Accordingly, one of the benefits provided by the claimed invention is to provide a vessel filter characterized by good mechanical properties, including a high degree of flexibility with simultaneous stability by means of the structure recited in claim 41. In Applicants' claimed invention, the basic framework of the vessel filter is formed by the conductor loop. In contrast, Melzer teaches a separate conductor loop that must be wound onto the basic framework of the filter.

Since the Melzer framework on the one hand and the conductor loop on the other hand are two separate components that have to be connected, this leads to an adverse effect in terms of the mechanical stability of Melzer's vessel filter. This entire approach is significantly different from Applicants' claimed invention.

Although the Examiner has relied primarily on the Wallace, Walak, and DeVries references, the fact that these references do not teach or suggest the use of a resonance circuit to clearly see the filter and also measure blood flow through the filter would seem to suggest that these are actually the secondary references and that Melzer is more of a

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primary reference. However, the significant differences between Applicants' claimed invention and Melzer support a finding of patentability to claim 41.

Since claims 42-46 and 48-73 each depend from claim 41, either directly or indirectly, the allowability of claim 41 would put all other claims in condition for allowance.

The Examiner is respectfully requested to enter the foregoing amendment and to give further consideration to the pending claims.

Respectfully submitted,

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